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EXHIBIT

A

SHERIFF'S OFFICE OF ERIE COUNTY

CHRIS CAMPANELLI
SheriffDOUGLAS A. KUBIAK
Chief DeputyHEIDI THOMAS
SergeantWILLIAMS, KEVIN J. AND MEGAN
vs.
SPEEDWAY LLC D/B/A SPEEDWAY #06768Case Number
2022-01102M

SERVICE COVER SHEET

Service Details: Origin: Lebanon County

Category: Civil Action - Complaint in Civil Action (CICA)

Zone:

Manner: Adult in Charge

Expires: 09/30/2022

Warrant:

Notes:

Serve To:

Name: SPEEDWAY LLC D/B/A SPEEDWAY #06768

Primary Address: C/O CORPORATE CREATIONS NETWORK,
INC
1001 STATE ST SUITE 1400

Phone: DOB:

Alternate Address:

Phone:

Final Service:

Served: Personally · Adult In Charge · Posted · Other

Adult In Charge:

Relation:

Date:

Time:

Deputy:

Mileage:

Attorney / Originator:

Name: BUZGON DAVIS LAW OFFICES

Phone:

Service Attempts:

Date:

Time:

Mileage:

Deputy:

Service Attempt Notes:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

SPEEDWAY LLC D/B/A SPE 2022-01102M 2/O CORPORATE CREATIONS NETWORK, INC, 1001 STA1 EXP: 09/30/2022

Supreme Court of Pennsylvania

Court of Common Pleas

Civil Cover Sheet

Lebanon

County

For Prothonotary Use Only:

Docket No:

2022-01102

ENTERED & FILED
PROTHONOTARY OFFICE
LEBANON, PA

2022 AUG 31 P 3:13

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Commencement of Action:

- ☒ Complaint ☐ Writ of Summons ☐ Petition
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name:

Kevin J. Williams and Megan Williams

Lead Defendant's Name:

Speedway, LLC. d/b/a Speedway #06768

Are money damages requested? ☒ Yes ☐ NoDollar Amount Requested: ☐ within arbitration limits
☒ outside arbitration limits
(check one)Is this a *Class Action Suit*? ☐ Yes ☒ NoIs this an *MDJ Appeal*? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: Michael Bechtold

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☒ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other:

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

- ☐ Employment Dispute:
Discrimination
☐ Employment Dispute: Other

☐ Other:

_____**CIVIL APPEALS**

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other

- ☐ Zoning Board
☐ Other:

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other:

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

ENTERED & FILED
PROTHONOTARY OFFICE
LEBANON, PA

2022 AUG 31 P 3:13

KEVIN WILLIAMS and
MEGAN WILLIAMS,
Plaintiffs

vs.

SPEEDWAY, LLC. d/b/a
SPEEDWAY #06768
Defendant

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:
:

IN THE COURT OF COMMON PLEAS OF
LEBANON COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

NO. 2022 -

JURY TRIAL DEMANDED

COMPLAINT

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

MidPenn Legal Services
513 Chestnut Street
Lebanon, Pennsylvania 17042
(717) 274-2834

AND NOW, comes the Plaintiffs, Kevin Williams and Megan Williams, by and through their attorneys, Buzgon Davis Law Offices, and files the within Complaint, averring as follows:

1. Plaintiffs, Kevin Williams (hereinafter “Mr. Williams”) and Megan Williams (hereinafter “Mrs. Williams”), are married adult and competent individuals who reside at 28 Hoke Avenue, Lebanon, Lebanon County, Pennsylvania, 17042.

2. Defendant, Speedway, LLC d/b/a Speedway #06768 (hereinafter “Speedway”), is, upon information and belief, a registered Delaware Limited Liability Company duly authorized to conduct business in the Commonwealth of Pennsylvania with registered business addresses of 500 Speedway Drive, Enon, Ohio 45323 and C/O Corporate Creations Network, Inc., 1001 State Street #1400, Erie, Pennsylvania 16501, and with a commercial establishment located at 302 East Evergreen Road, Lebanon, Pennsylvania 17042.

3. At all times material hereto, Speedway was the owner of the property located at 302 East Evergreen Road, Lebanon County, Pennsylvania 17042 (hereinafter “Premises”).

4. The Premises contains gas pumps, a convenience store, and namely a parking lot whereby vehicles, including oversized vehicles, are permitted to park.

5. Upon information and belief, Speedway operates a business at the Premises whereby it sells gas and other goods and services within its convenience store.

6. Speedway requires oversized vehicles, including oversized trucks, to park on the northeast corner of the Premises.

7. On July 21, 2021, Mr. Williams was driving a dump truck for his employer, South Lebanon Township.

8. On July 21, 2021, Mr. Williams pulled the dump truck onto Speedway's Premises, specifically into the northeast corner of the parking lot, where oversized trucks are directed and able to park.

9. After Mr. Williams parked the dump truck, he exited the vehicle, stepped down with his left foot, and instantaneously fell into a pothole located directly in the parking area of the Premises (hereinafter "Fall").

10. The parking lot in the particular area where Mr. Williams fell was dilapidated and unkept, including containing cracked and broken asphalt with a large amounts of loose debris on an uneven surface.

11. At all material times hereto, Speedway exercised ownership, possession, and control of the Premises and parking lot where Mr. Williams fell.

12. At the time of the Fall, Mr. Williams was lawfully on the Premises as a business invitee, and Speedway owed the duty of care which is legally owed to an invitee.

13. Speedway knew or should have known that a dangerous condition existed on the Premises, which represented a danger to invitees.

14. The existing pothole/defects in the parking lot and resulting Fall caused Mr. William to violently crash onto the ground and resulted in significant injuries to Mr. Williams' person as more accurately stated herein.

COUNT ONE – NEGLIGENCE
KEVIN WILLIAMS v. SPEEDWAY

15. The averments of paragraphs 1 through 14 are incorporated herein by reference as if textually set forth at length.

16. Speedway owed Mr. Williams a duty to exercise reasonable care to eliminate dangers and/or defects in or on its Premises, including the parking lot.

17. Mr. Williams' injuries were caused by the negligence, carelessness and/or recklessness of Speedway, said negligence, carelessness and/or recklessness consisting of the following:

- (a) Failing to properly maintain the parking lot of the Premises in a safe condition for its patrons/customers;
- (b) Failing to properly maintain areas intended for foot travel of its patrons/customers in a safe condition;
- (c) Failing to properly inspect the parking lot of the Premises to maintain awareness of its condition;
- (d) Failing to properly train, instruct, and/or supervise its employees, servants, and/or agents with respect to inspection, awareness, and maintenance/repairs of the parking lot on the Premises;
- (e) Failing to warn patrons/customers, including Mr. Williams, of a known dangerous condition existing on the Premises;
- (f) Being inattentive to the conditions then and there existing;
- (g) Allowing a pothole to exist and remain on the Premises and in an area intended for foot travel, thereby creating a trip/fall hazard;
- (h) Allowing non-uniformity in the grade of parking lot/Premises to exist and remain in an area intended for foot travel, thereby creating a trip/fall hazard;
- (i) Allowing the Premises, including the parking lot, to be oriented with various cracks, broken asphalt, potholes, and loose debris, thereby causing a very unsteady and unlevelled pathway to be stepped upon;

- (j) Failing to remedy cracks, broken asphalt, potholes, and loose debris on the Premises, including the parking lot, thereby causing a very unsteady and unlevelled pathway to be stepped upon;
- (k) Failing to conspicuously mark the alleged defects in the Premises/parking lot;
- (l) Failing to offer an appropriate warning of the alleged defects in the Premises/parking lot; and
- (m) Failing to take remedial steps with respect to the alleged defects in the Premises/parking lot;
- (n) Failing to properly grade and/or maintain a level grade of the Premises, including the parking lot; and
- (o) Directing patrons/customers of its business to park in an area it knew or should have known to be unsafe for foot travel.

18. Speedway knew or should have known of the dangerous conditions of the Premises and knew or should have known that said dangerous conditions created an unreasonable risk of harm to Mr. Williams.

19. Because Speedway failed to take any action to eliminate the danger created by the defective conditions in or upon the Premises, and as set forth more fully in paragraph 17, Speedway breached its duty owed to Mr. Williams.

20. As a direct and proximate result of Speedway's breach of duty, and its negligence, carelessness and/or recklessness, Mr. Williams suffered numerous and severe injuries, including, but not limited to, the following:

- (a) Avulsion fracture of the left talus;
- (b) Avulsion fracture of the left distal end of the left fibula;

- (c) Left talus dome fracture and left syndesmotic injury;
- (d) Left ATFL and CFL tear;
- (e) The need to undergo a left ankle arthroscopic debridement and talus fracture excision with talus OCD micro fracture and left lateral ankle ligament primary repair;
- (f) Inability to bear weight on his left leg, ankle, and foot;
- (g) Pain in the left leg, ankle, and foot, which is exacerbated with activity;
- (h) Stiffness;
- (i) The need for corticosteroid injection(s); and
- (j) Post-traumatic arthritis.

21. As a direct and proximate result of Speedway's negligent, careless, and/or reckless conduct and the resulting Fall, Mr. Williams has suffered and will continue to suffer severe physical pain, suffering, aggravation, inconvenience, embarrassment, mental anguish, emotional distress, for which he is entitled to remuneration.

22. As a direct and proximate result of Speedway's negligent, careless, and/or reckless conduct and the resulting Fall, Mr. Williams has suffered pain, discomfort, frustration, embarrassment, the inability to perform usual and daily activities, and loss of enjoyment of life's pleasures in the past, and will suffer the same for an indefinite time in the future.

23. As a direct and proximate result of Speedway's negligent, careless, and/or reckless conduct and the resulting Fall, Mr. Williams has been obligated to seek medical treatment in an effort to cure himself and will do so for an indefinite time in the future, thereby incurring substantial medical expenses and/or obligations to repay medical providers to his detriment and loss and he will continue to do so into the future.

24. As a direct and proximate result of Speedway's negligent, careless, and/or reckless conduct and the resulting Fall, Mr. Williams has been forced to incur, and will continue to incur, reasonable expenses for his transportation to and from his various medical and rehabilitation providers for which he is entitled to remuneration.

25. As a direct and proximate result of Speedway's negligent, careless, and/or reckless conduct and the resulting Fall, Mr. Williams has suffered loss of his past and future earnings.

26. As a direct and proximate result of Speedway's negligent, careless, and/or reckless conduct and the resulting Fall, Mr. Williams has and will continue to suffer permanent disability and permanent diminution of his future earnings, earning power, and earning capacity, for which he is entitled to remuneration.

27. As a direct and proximate result of Speedway's negligent, careless, and/or reckless conduct and the resulting Fall, Mr. Williams has suffered permanent disfigurement and scarring, for which he is entitled to remuneration.

WHEREFORE, Plaintiff, Kevin Williams, respectfully requests your Honorable Court to enter judgment in his favor, against the Defendant, for damages in excess of Fifty Thousand Dollars (\$50,000) together with interest and costs of suit.

COUNT TWO – LOSS OF CONSORTIUM
MEGAN WILLIAMS v. SPEEDWAY

28. The averments in paragraphs 1 through 27 are incorporated herein by reference as if textually set forth at length.

29. As a result of Speedway's negligence, carelessness and/or recklessness in causing the aforementioned injuries to Mr. Williams, Mrs. Williams has been deprived of the aid, comfort, society and companionship of her husband, Mr. Williams, in the past and will continue to suffer such loss in the future for which she is entitled to remuneration.

WHEREFORE, Plaintiff, Megan Williams, respectfully requests your Honorable Court to enter judgment in her favor, against the Defendant, for damages in excess of Fifty Thousand Dollars (\$50,000.00) together with interest and costs of suit.

BUZGON DAVIS LAW OFFICES

BY: 

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E-mail: bechtold@buzgondavis.com
Attorneys for Plaintiff

PUBLIC ACCESS POLICY CERTIFICATION

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

VERIFICATION

I, KEVIN WILLIAMS, do hereby verify that I am the Plaintiff in the within action, and that the facts set forth in the foregoing **COMPLAINT** are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



KEVIN WILLIAMS

Date: 8-19-22

VERIFICATION

I, MEGAN WILLIAMS, do hereby verify that I am the Plaintiff in the within action, and that the facts set forth in the foregoing COMPLAINT are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



MEGAN WILLIAMS

Date: 8-19 2022

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